

submits that this amendment renders moot the rejection under 35 USC § 112 and requests withdrawal of this rejection.

While the Applicant respectfully traverses the Examiner's conclusion that claims 1-4, 6, and 8-18 are obvious in view of the claims of U.S. Patent No. 6,641,005 in view of U.S. Patent No. 5,450,983, the Applicant hereby submits a Terminal Disclaimer to expedite prosecution of the present application. The Terminal Disclaimer submitted herewith disclaims that portion any patent that should issue from the present application beyond the expiration of U.S. Patent No. 5,450,983. The Applicant respectfully submits that the Terminal Disclaimer submitted herewith renders moot the obviousness-type double patenting rejection, and withdrawal of this rejection is respectfully requested.

Submitted herewith is a document (entitled Exhibit A - Listing of All Claims and Amendments (04-26-2005)) containing a listing of the claims as currently amended. The Listing attached herewith contains the text of each pending claim, along with any amendments made hereby (illustrated using strikethrough and underlining) and the status of each pending claim.

Given the foregoing, the Applicant respectfully submits that currently pending claims 1-4, 6, and 8-18 are in condition for allowance, and such allowance is respectfully requested. If there is any matter which could be expedited by consultation with the Applicant's attorney, such would be welcome. The Applicant's attorney can normally be reached at the telephone number below.

Signed at Bellingham, County of Whatcom, State of Washington this 26<sup>th</sup> day of April, 2005.

Respectfully submitted,

STERN et al.

By Michael R. Schacht  
Michael R. Schacht, Reg. No. 33,550  
2801 Meridian Street, Suite 202  
Bellingham, WA 98225-2400  
phone: (360) 647-0400  
fax: (360) 647-0412  
Customer No. 30662

CERTIFICATE OF MAILING

37 C.F.R. §1.8

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Signature: Susie Hubka  
Print Name: Susie Hubka  
Date: April 26, 2005